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ADOPTED BY THE
MAYOR AND COUNCIL

PROPOSED ORDINANCE

RELATING TO ENVIRONMENTAL SERVICES; AMENDING CHAPTER 15 OF THE TUCSON CITY CODE; AMENDING DEFINITIONS; AMENDING CITY FUEL PRICE; AMENDING RESIDENTIAL ESTABLISHMENT; AMENDING ADMINISTRATION; AMENDING PUBLIC NUISANCES, ENFORCEMENT; AMENDING ASSISTED COLLECTION SERVICE TO RESIDENTIAL ESTABLISHMENTS; AMENDING DIVISION 2, RESIDENTIAL COLLECTION; AMENDING RESPONSIBILITY FOR RESIDENTIAL FEE; AMENDING REQUIREMENTS FOR PAYMENT OF RESIDENTIAL FEES; AMENDING FEES FOR LEVEL OF SERVICE; AMENDING ENVIRONMENTAL SERVICES LOW INCOME ASSISTANCE PROGRAM; AMENDING RESIDENTIAL COLLECTION SERVICE FEES; AMENDING APC COLLECTION FUEL SURCHARGE; AMENDING DIVISION 3 COMMERCIAL COLLECTION; AMENDING FRONT LOAD COLLECTION SERVICE MONTHLY SERVICE FEES; AMENDING COMPACTED FRONT LOAD COLLECTION SERVICE FEES; AMENDING ROLL OFF COLLECTION SERVICE FEES; AMENDING COMMERCIAL APC COLLECTION SERVICE FEES; AMENDING COMMERCIAL SPECIAL SERVICE FEES; AMENDING COMMERCIAL FUEL SURCHARGE; AMENDING COMMERCIAL HAULERS; AMENDING CREDIT SYSTEM; AMENDING DISPOSAL SERVICES FEE SCHEDULE; AMENDING DISPOSAL SERVICES CONTRACT FEE SCHEDULE; AMENDING DISPOSAL SERVICES FUEL SURCHARGE; ADDING DIVISION 5, GROUNDWATER PROTECTION FEE; DELETING PROHIBITING DISPOSAL AT CITY FACILITIES OF SOLID WASTE COLLECTED, RECEIVED OR TRANSPORTED FROM OUTSIDE PIMA COUNTY; AMENDING ARTICLE VIII, LITTER FEE; AMENDING SUSPENSION OR REVOCATION OF PERMITS; AMENDING RESIDENTIAL COLLECTION SERVICE FEES BY AMENDING TUCSON CODE SECTIONS 15-1, 15-2.1, 15-5, 15-10.5, 15-16.4, 15-32.1, 15-32.2, 15-32.3, 15-32.4, 15-32.5, 15-32.6, 15-33.2, 15-33.3, 15-34.3, 15-34.4, 15-34.6, 15-34.7, 15-34.8, 15-34.9, 15-36, 15-50, 15-70, AND 15-71; AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF
TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. Section15-1 of the Tucson City Code is hereby amended to read as follows:

Sec. 15-1. Definitions.

(A) The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where a different meaning is specified:

* * *

City means the City of Tucson.

City fuel price means the price the city pays for equipment fuel and shall be adjusted quarterly to the average fuel price over the prior three (3) months.

* * *

Residential establishment means any building, lot, or complex whose primary use is for one (1) or more dwelling units. This term includes any single family residence, multi-family complex with up to twenty-four (24) dwelling units, mobile home that is not in a mobile home park, or any establishment where the customer has qualified for the environmental services low income program. The term does not include multi-family complexes with twenty-five (25) or more dwelling units, mobile home parks, or recreational vehicle parks. The term does not include complexes of twenty-five (25) or more town homes that have front load collection service and have recycling collection service.

* * *

SECTION 2. Section15-5 of the Tucson City Code is hereby amended to read as follows:

Sec. 15-5. Public nuisances, enforcement.

(A) *Civil infraction declared.* Unless otherwise specifically stated in this chapter, a violation of any provision of this chapter shall be deemed a public nuisance and is punishable as a civil infraction pursuant to Chapter 8 of this Code.

(B) *Authority to enforce.* Any police or peace officer or city code enforcement officer or designated refuse official (herein, citing official) who observes a violation of any provision of this chapter or of any civil infraction in other chapters of this Code relating to the management and maintenance of private property or waste collection within the city is empowered to issue a citation or seek a complaint. This includes, but is not limited to, sections in this Code where notices of violation may be issued by any department. Prior to issuing a citation or seeking a complaint, the officer or official may, in his or her discretion, issue a written notice of violation allowing the alleged violator to remedy the complaint. An officer or official may issue a citation without first issuing a notice of violation.

(C) *Service.* Service of a written notice of violation shall be deemed effective on the date when written notice is hand delivered or on the date when written notice is mailed by first class mail. Any notice served by first class mail shall be mailed to the last known address of the

owner, the owner's authorized agent or the owner's statutory agent and to the address to which the tax bill for the property was last mailed. If the premises are unoccupied, service may be made by posting the notice in a conspicuous place on the property such as a front door, entrance gate, or wall. Service of a notice of violation to a commercial hauler in violation of the Litter Fee shall be mailed to the commercial hauler's business address.

If personal service is not possible, then service of either a citation, complaint or a written notice of violation shall be sufficient if made by certified mail return receipt requested to the last known address of the resident, or in the same manner prescribed for alternative methods of service by the Arizona Rules of Civil Procedure. If the premises are unoccupied, service may be made by posting the notice in a conspicuous place on the property such as a front door, entrance gate, or wall.

(D) *Proceedings.* Any civil infraction proceedings to enforce the provisions of this chapter shall be commenced, and summons shall be issued in accordance with the procedures set forth in Arizona Revised Statutes, city ordinance or as provided in the Local Rules of Practice and Procedure-City Court-City of Tucson. If the city is unable to personally serve the complaint, the complaint may be served in the same manner prescribed for alternative methods of service by the Arizona Rules of Civil Procedure or by certified or registered mail, return receipt requested.

* * *

SECTION 3. Section 15-16.4 of the Tucson City Code is hereby amended to read as follows:

Sec. 15-16.4. Assisted collection service to residential establishments.

A resident who has a qualified disability, under the Americans with Disabilities Act, that prevents him/her from independently rolling out or rolling in a refuse or recycling container to the point of collection of using normal refuse or recycling collection services at a residential establishment may request assisted collection service. The requirements for assisted collection service shall be established in administrative rule. Assisted collection service is provided without additional fee.

* * *

Section 4. Sections 15-32.1, 15-32.2, 15-32.3, 15-32.4, 15-32.5 and 15-32.6 of the Tucson City Code are hereby amended to read as follows:

Sec. 15-32.1. Responsibility for residential fee.

(A) The fees specified in this chapter for ~~collection services from~~ provided to residential establishments are imposed on the customer of record of each residential establishment, as indicated in the department's records. The customer of record is responsible for paying all charges for the provision of ~~collection services to~~ a residential establishment, regardless of whether the customer of record or another person has actually used the ~~collection services~~. Where the establishment receives city water service, the customer of record for

services from this chapter shall be the same person as the customer of record for city water services, unless the director accepts an alternate person designated by the owner.

* * *

Sec. 15-32.2. Requirements for payment of residential fees.

(A) *Initiation.* Initiation of billing for collection ~~services at to~~ a residential establishment shall coincide with initiation of billing for city water service when both are provided. Where new collection service is provided to an establishment, the charges for the new service shall begin when the containers are delivered. The director, as a condition precedent to providing collection services to any customer, shall collect any amounts the customer owes the city for charges required by this chapter or chapter 27.

* * *

Sec. 15-32.3. Fees for level of service.

~~The environmental services fees to be charged for standard residential collection services are listed as the first entry in the table in section 15-32.5.40 below covers standard residential collection services. The director is authorized to charge additional fees as listed in the table in section 15-32.40-5 below or elsewhere in this chapter, to residential establishments that receive additional or different service.~~

Sec. 15-32.4. Environmental services low income assistance program.

(A) Residential customers with an income at or below one hundred percent (100%) of the US Department of Labor western region lower living standard one hundred fifty (150) percent of the federal poverty level, adjusted for family size, shall be eligible for the environmental services low income assistance credit from the city general fund if they meet the requirements herein.

(B) Customers must reside in a residential establishment that receives APC collection service and must directly pay the environmental services fee on their city utility bill. Each customer may receive the credit for only one residential establishment.

(C) Customers must apply for the discount in writing on the application forms approved by the director. Applications must include written proof of income in the form determined by the director. Applications must be complete and must have the customer's original signature. The director may contact the customer to verify or obtain additional information needed to process the application.

(D) Eligibility will be determined on an annual basis with the credit expiring at the end of each twelve-month period. At least thirty (30) days prior to the expiration of a customer's credit, the director will notify the customer in writing of the need to submit a new application to continue the credit. ~~Applications received after October 1 will be accepted as applications for both the year of the application and the following calendar year.~~

(E) Once eligibility is verified, the credit shall be applied against each monthly bill with the full environmental services fee. A prorated credit shall be applied whenever the customer is eligible for only part of a month or receives service for only part of a month.

Sec. 15-32.5. Residential fee schedules.

The fees for collection services to residential establishments shall be as follows:

RESIDENTIAL COLLECTION SERVICE FEES		
Service	Refuse Container size (gallons)	Fees
Standard	Less than 100	\$14.50 per month (environmental services fee)
Standard	Any shared alley APC	\$14.50 per month per dwelling unit
Standard	300 sole use	\$43.50 per month per container
Individual fee for shared front load weekly refuse and recycling service	Any	\$14.50 per month per dwelling unit
Additional refuse	Less than 100	\$10.00 per month per additional container
Additional refuse	300	\$43.50 per month per additional container
Additional service per week	Any	\$25.00 per pickup per container
Additional brush bulky service volume	Above 10 cu. yds.	\$5.00 per cubic yard
Additional brush bulky service time	Above 15 minutes	\$25.00 per each 15 minute interval
Special brush bulky service	Up to 10 cu. yds.	\$55.00 per event plus any applicable additional service fees
Private driveway	Any	\$10.00 per month in addition to other applicable fees
Low income assistance credit	Any	\$12.00 per month

RESIDENTIAL COLLECTION SERVICE FEES

<u>Service</u>	<u>Refuse Container Size (gallons)</u>	<u>Fees</u>
<u>Standard</u>	<u>48</u>	<u>\$15.00 per month</u>
<u>Standard</u>	<u>65</u>	<u>\$16.00 per month</u>
<u>Standard</u>	<u>95</u>	<u>\$16.75 per month</u>
<u>Standard</u>	<u>Any shared alley APC</u>	<u>\$16.00 per month per dwelling unit</u>
<u>Standard</u>	<u>300 sole use</u>	<u>\$48.00 per month per container</u>
<u>Individual fee for shared front load weekly refuse and recycling service</u>	<u>Any</u>	<u>\$16.00 per month per dwelling unit</u>
<u>Additional refuse</u>	<u>Less than 100</u>	<u>\$11.00 per month per additional container</u>
<u>Additional bag of refuse -</u>	<u>Item Each 30 gallon bag (or equivalent) of refuse placed outside of container</u>	<u>\$5.00 each per item</u>
<u>Additional service per week</u>	<u>Any</u>	<u>\$25.00 per pickup per container</u>
<u>Additional brush bulky service volume</u>	<u>Above 10 cu. yds.</u>	<u>\$5.00 per cubic yd.</u>
<u>Additional brush bulky service time</u>	<u>Above 15 minutes</u>	<u>\$25.00 per each 15 minute interval</u>
<u>Special brush bulky service</u>	<u>Up to 10 cu. yds.</u>	<u>\$55.00 per event plus any applicable additional service fees</u>
<u>Private driveway</u>	<u>Any</u>	<u>\$10.00 per month in addition to other applicable fees</u>
<u>Low income assistance credit</u>	<u>Any</u>	<u>\$12.00 per month</u>
<u>APC Container Delivery Fee</u>	<u>Any</u>	<u>\$20.00 per delivery event</u>

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Sec. 15-32.6. APC collection fuel surcharge.

A fuel surcharge shall be added to the monthly fees for collection services to residential or commercial establishments with APC services. The surcharge shall be \$0.37 per month for each \$0.10 of city fuel price above \$3.39 per gallon.

SECTION 5. Section 15-33.2 of the Tucson City Code is hereby amended to read as follows:

Sec. 15-33.2. Commercial fee schedules.

(A) *Front load collection service fees.* The monthly fees for front load collection service (without compaction) are as follows:

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FRONT LOAD COLLECTION SERVICE MONTHLY FEES

Container size Collections per week

	1	2	3	4	5	6
Refuse						
2 to 3 cu. yds.	\$83.00 <u>85.00</u>	\$138.00 <u>142.00</u>	\$193.00 <u>199.00</u>	\$249.00 <u>256.00</u>	\$304.00 <u>313.00</u>	\$359.00 <u>370.00</u>
4 cu. yds.	\$87.00 <u>90.00</u>	\$147.00 <u>151.00</u>	\$207.00 <u>213.00</u>	\$266.00 <u>274.00</u>	\$326.00 <u>336.00</u>	\$386.00 <u>398.00</u>
6 cu. yds.	\$96.00 <u>99.00</u>	\$165.00 <u>170.00</u>	\$233.00 <u>240.00</u>	\$302.00 <u>311.00</u>	\$371.00 <u>382.00</u>	\$439.00 <u>452.00</u>
8 cu. yds.	\$105.00 <u>108.00</u>	\$183.00 <u>188.00</u>	\$260.00 <u>268.00</u>	\$338.00 <u>348.00</u>	\$415.00 <u>427.00</u>	\$493.00 <u>508.00</u>
Recycling	\$25.00 <u>50.00</u>	\$50.00 <u>75.00</u>	\$75.00 <u>100.00</u>			

Container delivery: \$50.00 for any number per request

Additional recycling container onsite any size \$15.00

Additional service per week: \$30.00 per pickup per 2 to 4 cu. yd. container, \$35.00 per 6 cu. yd, \$40.00 per 8 cu. yd.

Additional recycle service per week: \$30.00 per pickup all sizes

Container cleaning at customer request: \$100.00 per event per container

Container painting at customer request: \$150.00 per event per container

(B) *Compacted front load collection service fees.* The monthly fees for front load collection service with compaction in containers shall be as follows:

COMPACTED FRONT LOAD COLLECTION SERVICE MONTHLY FEES

Container size Collections per week

	1	2	3	4	5	6
Refuse						
2 to 3 cu. yds.	\$123.00 <u>126.00</u>	\$218.00 <u>225.00</u>	\$314.00 <u>323.00</u>	\$409.00 <u>421.00</u>	\$504.00 <u>519.00</u>	\$600.00 <u>618.00</u>
4 cu. yds.	\$141.00 <u>145.00</u>	\$254.00 <u>261.00</u>	\$367.00 <u>378.00</u>	\$480.00 <u>495.00</u>	\$593.00 <u>611.00</u>	\$707.00 <u>728.00</u>
6 cu. yds.	\$176.00 <u>182.00</u>	\$325.00 <u>335.00</u>	\$474.00 <u>488.00</u>	\$623.00 <u>641.00</u>	\$772.00 <u>795.00</u>	\$921.00 <u>948.00</u>
8 cu. yds.	\$212.00 <u>218.00</u>	\$396.00 <u>408.00</u>	\$581.00 <u>598.00</u>	\$765.00 <u>788.00</u>	\$950.00 <u>978.00</u>	\$1,134.00 <u>1168.00</u>

Additional fee for leasing city compactor: \$300.00 per month per compactor

Container delivery: \$50.00 for any number per request

Additional service per week: \$45.00 per pickup per container

Container cleaning at customer request: \$100.00 per event per container

Container painting at customer request: \$150.00 per event per container

(C) *Roll off collection service.* The fees for roll off collection service are as follows:

ROLL OFF COLLECTION SERVICE FEES

Refuse open top service 20, 30, 40 cu. yds.	\$160 <u>165.00</u> per pull plus landfill disposal fees plus landfill processing surcharge
Recycle open top service 20, 30, 40 cu. yds.	\$140 <u>130.00</u> per pull
Roll off compactor service 20, 30, 40 cu. yds.	\$160 <u>165.00</u> per pull plus landfill disposal fees plus landfill processing surcharge. Installation, removal, and monthly lease fees also apply for city compactors.
Landfill disposal fees	Weight of contents times current solid waste disposal fee
Landfill processing surcharge	\$10.00 per landfill transaction
Initial delivery	\$80.00 per container
Relocation	\$80.00 per container
Failed service attempt	\$80.00 per event per container
Container cleaning at customer request	\$150.00 per event per container
Container painting at customer request	\$200.00 per event per container
Lease of city compactor and receiver box	\$310.00 per month per compactor plus box
Lease of city compactor receiver box only	\$100.00 per month per box
Base compactor installation	\$950.00 per compactor
Base compactor removal	\$500.00 per compactor

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(D) *Commercial APC collection service fees.* The fees for APC collection service to commercial establishments are as follows:

COMMERCIAL APC COLLECTION SERVICE FEES

Service	Container size (gallons)	Fees
Standard	100 or less	\$18.60 per month per container
Standard	300	\$56.00 per month per container
Additional refuse	100 or less	\$18.60 per month per additional container

Additional refuse	300	\$56.00 per month per additional container
Additional service per week	Any	\$25.00 per pickup per container
Additional recycle beyond second container	100 or less	\$10.00 per month per container
Container delivery	Any	\$20.00 for any number per request

COMMERCIAL APC COLLECTION SERVICE FEES

<u>Service</u>	<u>Container size (gallons)</u>	<u>Fees</u>
<u>Standard</u>	<u>48</u>	<u>\$18.50 per month per container</u>
<u>Standard</u>	<u>65</u>	<u>\$19.25 per month per container</u>
<u>Standard</u>	<u>95</u>	<u>\$20.00 per month per container</u>
<u>Standard</u>	<u>300</u>	<u>\$60.00 per month per container</u>
<u>Additional service per week</u>	<u>Any</u>	<u>\$25.00 per pickup per container</u>
<u>Additional recycle beyond second container</u>	<u>100 or less</u>	<u>\$10.00 per month per container</u>
<u>Container delivery</u>	<u>Any</u>	<u>\$20.00 for any number per request</u>

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(E) *Fees for commercial special services.* The fees for special services to commercial establishments are as follows:

COMMERCIAL SPECIAL SERVICE FEES

<u>Service</u>	<u>Container size</u>	<u>Fees</u>
Temporary APC refuse	<u>48, 65 or 95 gallons</u>	\$50.00 per service per container
Temporary APC refuse	300 gallons	\$75.00 per service per container
Temporary front load refuse	2--4, 6, 8 cu. yds.	\$100.00 per container for delivery/removal plus \$30.00 per pickup per 2 to 4 cu. yd. container, \$35.00 per 6 cu yd.,

		\$40.00 per 8 cu. yd.
<u>Temporary APC recycle</u>	<u>95 gallons</u>	<u>\$20.00 per delivery truck load for delivery/removal plus \$10.00 per pickup</u>
<u>Temporary use of small recycling containers for customers with city refuse</u>	<u>Less than 95 gallons</u>	<u>\$20.00 per delivery truck load for delivery/removal</u>
<u>Temporary front load recycle</u>	<u>2--8 cu. yds.</u>	<u>\$100.00 per container for delivery/removal and one pickup, plus \$30.00 per additional pickup.</u>
Delinquent retrieval fee	2--4, 6, 8 cu. yds.	\$50.00 per container
Bulky material service		Same fees as charged for special brush bulky service to residential establishments.

SECTION 6. Section 15-33.3 of the Tucson City Code is hereby amended to read as follows:

Sec. 15-33.3. Commercial fuel surcharge.

A fuel surcharge shall be added to the fees for front load, compacted front load, and roll off collection services. The surcharge rate shall be based on the city fuel price of fuel above three dollars and twenty cents (\$3.20) per gallon, and shall be adjusted quarterly to reflect average fuel prices in the prior three (3) months, according to the table below. The applicable surcharge rate shall be multiplied by the applicable fee and the resulting amount added to that fee.

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SECTION 7. Section 15-34.3(C) of the Tucson City Code is hereby amended to read as follows:

Sec. 15-34.3. Commercial haulers.

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(C) Each commercial hauler shall pay any charge for disposal services at the time and as a condition of receiving the disposal services for which the charge is imposed. Only payments in the form of cash, check or other immediate payment form approved by the director will be accepted subject to reasonable identification requirements, unless the hauler has a valid landfill charge account in good standing. A commercial hauler may purchase a vehicle identification tag for use at the scale.

SECTION 8. Sections 15-34.6, 15-34.7, 15-34.8, and 15-34.9 of the Tucson City

Code are hereby amended to read as follows:

Sec. 15-34.6. Credit system.

Customers who wish to pay for disposal services pursuant to a credit system shall execute and comply with a written credit agreement prepared by the city and pay an annual credit fee. The director is authorized to prepare, enter into, implement and administer landfill credit agreements. The landfill credit agreement shall specify the terms and conditions upon which landfill use shall be provided and for payment of fees, and may contain such additional provisions as are necessary to ensure collection of funds due the city, are within the custom and practice of the industry, or are deemed necessary by the director in any particular case(s). The rates charged under any landfill credit agreement shall be consistent with these requirements and schedules.

Sec. 15-34.7. Disposal services fee schedule.

DISPOSAL SERVICES FEES

Service	Fees
Residential self-hauler waste disposal	\$10.00 per load for loads 2,000 pounds or less. Commercial waste disposal fees for loads over 2,000 pounds.
Residential self-hauler tire disposal	\$2.00 per tire (passenger tires only) in addition to other applicable fees
Commercial waste disposal	\$32.00 per ton with \$15.00 minimum per load
Special-handling waste disposal	\$75.00 per ton with \$75.00 minimum
Tire disposal	\$150.00 per ton with \$15.00 minimum, no mixed loads, no off-road tires
Disposal of appliance designed to use refrigerant	\$5.00 per appliance in addition to other applicable fees
Uncovered load	\$5.00 per load in addition to other applicable fees
<u>Credit Account Annual Fee</u>	<u>\$30.00</u>
<u>Identification Tag Fee</u>	<u>\$30.00</u>

Sec. 15-34.8. Disposal services contract fee schedule.

The director shall be authorized to enter into one-year contracts for guaranteed waste disposal by customers. These contracts shall be for a specific quantity of waste at a price-fee specified in the contract disposal services fee schedule. The fee shall be calculated in accordance with Sec 15.34.3. The customer is required to pay the full amount due to the city at the specified pricefee, whether or not the waste is delivered. The contract may be renewed annually if the

specified fee is not changed. The agreements may contain such additional provisions as are necessary to ensure collection of funds due the city, are within the custom and practice of the industry, or are deemed necessary by the director.

Where a disposal services contract is in place, the commercial waste disposal fee shall not apply.

CONTRACT DISPOSAL FEE SCHEDULE

Guaranteed Tonnage	Rate Per Ton
60,000	\$21.00
18,000	<u>\$24.00</u>
8,000	\$27.50
<u>2,000</u>	<u>\$30.00</u>
<u>1,000</u>	<u>\$31.00</u>

Sec. 15-35.9. Disposal services fuel surcharge.

A fuel surcharge shall be added to the per-ton fees for disposal services. The surcharge shall be \$0.63 per ton for each \$0.10 of city fuel price above \$3.39 per gallon.

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SECTION 9. Section 15-36 of the Tucson City Code is hereby added to read as follows:

DIVISION 5.
Groundwater Protection Fee

Sec. 15-36 Groundwater Protection

(A) The Director shall charge a groundwater protection fee to customers of the city potable water, excluding those customers not connected to the central system.

(B) The fee shall be shown as a separate charge on the utility bill. The fee shall be charged for each connected meter, and shall be based upon the meter equivalency factors as determined by the Superintendent of Water or his successor.

(C) The fee shall be collected to administer, design, construct, operate and maintain groundwater remediation and landfill monitoring/compliance systems for the Department.

The Groundwater Protection fee shall be assigned as follows.

GROUNDWATER PROTECTION FEE

<u>Meter Size (inches)</u>	<u>Fee per Month per Meter</u>
<u>5/8</u>	<u>\$0.72</u>
<u>3/4</u>	<u>\$1.09</u>
<u>1</u>	<u>\$1.09</u>
<u>1-1/2</u>	<u>\$3.62</u>
<u>2 and larger</u>	<u>\$5.00</u>

SECTION 10. Section 15, Article VI of the Tucson City Code is hereby repealed and removed.

**ARTICLE VI.
DISPOSAL FACILITY MANAGEMENT - RESERVED**

~~Sec. 15-50. Prohibiting disposal at city facilities of solid waste collected, received or transported from outside Pima County.~~

~~— (A) — No solid waste collected, received or transported from outside Pima County shall be accepted for disposal at any city owned or city operated sanitary landfill site, transfer station, or other disposal facility. Where commercial goods, products or raw materials are sent from a plant or facility located in Pima County to a point outside of Pima County for processing, modification, or treatment in connection with the owner's business, and are subsequently returned directly to the same plant or facility within Pima County, that portion of such originally shipped and returned commercial goods, products or raw materials which is thereafter disposed of as solid waste shall not be deemed to be solid waste collected, received or transported from outside Pima County.~~

~~— (B) — Where solid waste collected or received within Pima County is combined in one (1) load with solid waste whose acceptance for disposal is prohibited under subsection (A) of this section, the entire load shall be rejected.~~

~~— (C) — It is a misdemeanor for any person to dispose of solid waste collected, received or transported from outside Pima County at a city owned or city operated sanitary landfill site, transfer station, or other disposal facility.~~

~~— (D) — The mayor and council hereby reaffirm that access to and use of city owned or city operated sanitary landfill sites, transfer stations, or other disposal facilities is a privilege subject to revocation for failure to follow the provisions of this Code or the rules and regulations of the director. In addition to any penalties under subsection (C) of this section, or any other civil or criminal penalties under Arizona law or this Code, where the director determines that a person has disposed of solid waste collected, received or transported from outside of Pima County at a city owned or city operated sanitary landfill site, transfer station, or other disposal facility, the director may revoke the person's privilege of using any or all city owned or city operated~~

~~sanitary landfill sites, transfer stations, or other disposal facilities, either permanently or for a period of time fixed at the time of the revocation.~~

~~—(E)— This section has been enacted to promote the health, safety and general welfare of the people of the city. It is intended to conserve the city's existing public landfill and disposal capacity for the handling of locally generated solid waste.~~

~~(Ord. No. 10539, § 6C., 6-3-08, eff. 7-1-08)~~

SECTION 11. Section 15, Article VIII, Sections 15-70 and 15-71 of the Tucson City Code are hereby added as follows:

ARTICLE VIII.
LITTER FEE

Sec. 15-70. Refuse collection permit.

The City Manager or his designee shall administer and enforce a permit program for all commercial haulers. Proceeds from the permits shall be used to administer, enforce and collect litter in the city. Permits for collection of refuse from business or residential establishments within the city shall be issued by the city under the following conditions:

(A) The commercial hauler must submit an application, on a form provided by the city, to the city. This permit shall include the requirement of an annual per-vehicle license fee of one thousand dollars (\$1,000.00) per vehicle used in the collection of refuse within the city of Tucson. Any commercial hauler with a current, valid permit found to be collecting refuse within the city of Tucson with a nonlicensed vehicle shall forfeit the cash permit surety and the commercial hauler's permit shall be suspended until such time as the permit surety is fully reimbursed and fees for each nonpermitted vehicle are received by the city.

(B) The commercial hauler's permit application, as provided by the city, shall include the name, business addresses and telephone numbers of all owners, partners, general managers and principal officer, as well as emergency telephone numbers, business references and such other information as deemed necessary.

(C) Permits issued pursuant to this section shall be nontransferable. The permits including the requirement to license each vehicle shall be issued for one (1) year commencing July 1 and ending June 30. Applications for renewal shall be made at least forty-five (45) days prior to expiration of current permit. Applicable fees may be prorated monthly on permits issued during the fiscal year.

(D) Each licensed vehicle operating within the city of Tucson shall display a decal, provided by the city, affixed permanently and clearly visible on the driver's side of the vehicle.

(E) Commercial haulers, except from units of local government or tribal entities, must obtain, keep in force and maintain public liability and property damage insurance in the sum of one million dollars (\$1,000,000.00) for personal injury or death to any one (1) person, one million dollars (\$1,000,000.00) for personal injuries or death sustained by all persons in any one (1) accident and five hundred thousand dollars (\$500,000.00) for property damage arising from

any single occurrence, arising from any error, omission or act, negligent or intentional, by the commercial hauler or its employees or agents in collection, hauling and/or disposal activities within the city. The city shall be named a co-insured. A certificate of insurance shall be furnished to the city at the time of permit application, and at any time during a permit year when requested by the city. The form and coverage shall be subject to city approval.

Sec. 15-71. Suspension or revocation of permits

(A) In addition to the sanctions provided, the city may suspend or revoke any permit authorized or required by this chapter, or suspend or revoke any collection, recycling or disposal services provided by a commercial hauler, whenever it is found that the holder of such permit, or user of such collection services, commits a serious or repeated violation of the laws of the state, the county, this chapter, or any rules and regulations promulgated hereunder, or fails to fully reimburse the city its costs associated with the remedying of any violation of any applicable health codes and ordinances of the city, county, state, and federal government.

(B) A commercial hauler whose permit is revoked may not re-apply for a permit under this chapter for thirty-six (36) months after the effective date of the revocation.

SECTION 12. Chapter 15, as amended by this ordinance, controls the City's Solid Waste Management activities, and supersedes any previous resolutions.

SECTION 13. If any provision of this ordinance or the application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 14. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 15. Sections 1 through 11 of this ordinance shall be effective July 1, 2010.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, _____.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:

CITY ATTORNEY

CITY MANAGER

BA/tl
5/18/10

ADOPTED BY THE
MAYOR AND COUNCIL

ORDINANCE NO. 10796

RELATING TO ENVIRONMENTAL SERVICES; AMENDING CHAPTER 15 OF THE TUCSON CITY CODE; AMENDING DEFINITIONS; AMENDING CITY FUEL PRICE; AMENDING RESIDENTIAL ESTABLISHMENT; AMENDING ADMINISTRATION; AMENDING PUBLIC NUISANCES, ENFORCEMENT; AMENDING ASSISTED COLLECTION SERVICE TO RESIDENTIAL ESTABLISHMENTS; AMENDING DIVISION 2, RESIDENTIAL COLLECTION; AMENDING RESPONSIBILITY FOR RESIDENTIAL FEE; AMENDING REQUIREMENTS FOR PAYMENT OF RESIDENTIAL FEES; AMENDING FEES FOR LEVEL OF SERVICE; AMENDING ENVIRONMENTAL SERVICES LOW INCOME ASSISTANCE PROGRAM; AMENDING RESIDENTIAL COLLECTION SERVICE FEES; AMENDING APC COLLECTION FUEL SURCHARGE; AMENDING DIVISION 3 COMMERCIAL COLLECTION; AMENDING FRONT LOAD COLLECTION SERVICE MONTHLY SERVICE FEES; AMENDING COMPACTED FRONT LOAD COLLECTION SERVICE FEES; AMENDING ROLL OFF COLLECTION SERVICE FEES; AMENDING COMMERCIAL APC COLLECTION SERVICE FEES; AMENDING COMMERCIAL SPECIAL SERVICE FEES; AMENDING COMMERCIAL FUEL SURCHARGE; AMENDING COMMERCIAL HAULERS; AMENDING CREDIT SYSTEM; AMENDING DISPOSAL SERVICES FEE SCHEDULE; AMENDING DISPOSAL SERVICES CONTRACT FEE SCHEDULE; AMENDING DISPOSAL SERVICES FUEL SURCHARGE; ADDING DIVISION 5, GROUNDWATER PROTECTION FEE; DELETING PROHIBITING DISPOSAL AT CITY FACILITIES OF SOLID WASTE COLLECTED, RECEIVED OR TRANSPORTED FROM OUTSIDE PIMA COUNTY; AMENDING ARTICLE VIII, LITTER FEE; AMENDING SUSPENSION OR REVOCATION OF PERMITS; AMENDING RESIDENTIAL COLLECTION SERVICE FEES BY AMENDING TUCSON CODE SECTIONS 15-1, 15-2.1, 15-5, 15-10.5, 15-16.4, 15-32.1, 15-32.2, 15-32.3, 15-32.4, 15-32.5, 15-32.6, 15-33.2, 15-33.3, 15-34.3, 15-34.4, 15-34.6, 15-34.7, 15-34.8, 15-34.9, 15-36, 15-50, 15-70, AND 15-71; AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF
TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. Section15-1 of the Tucson City Code is hereby amended to read as follows:

Sec. 15-1. Definitions.

(A) The following words, terms and phrases, when used in this chapter shall have the meanings ascribed to them in this section, except where a different meaning is specified:

* * *

City means the City of Tucson.

City fuel price means the price the city pays for equipment fuel and shall be adjusted quarterly to the average fuel price over the prior three (3) months.

* * *

Residential establishment means any building, lot, or complex whose primary use is for one (1) or more dwelling units. This term includes any single family residence, multi-family complex with up to twenty-four (24) dwelling units, mobile home that is not in a mobile home park, or any establishment where the customer has qualified for the environmental services low income program. The term does not include multi-family complexes with twenty-five (25) or more dwelling units, mobile home parks, or recreational vehicle parks. The term does not include complexes of twenty-five (25) or more town homes that have front load collection service.

* * *

SECTION 2. Section15-5 of the Tucson City Code is hereby amended to read as follows:

Sec. 15-5. Public nuisances, enforcement.

(A) *Civil infraction declared.* Unless otherwise specifically stated in this chapter, a violation of any provision of this chapter shall be deemed a public nuisance and is punishable as a civil infraction pursuant to Chapter 8 of this Code.

(B) *Authority to enforce.* Any police or peace officer or city code enforcement officer or designated refuse official (herein, citing official) who observes a violation of any provision of this chapter or of any civil infraction in other chapters of this Code relating to the management and maintenance of private property or waste collection within the city is empowered to issue a citation or seek a complaint. This includes, but is not limited to, sections in this Code where notices of violation may be issued by any department. Prior to issuing a citation or seeking a complaint, the officer or official may, in his or her discretion, issue a written notice of violation allowing the alleged violator to remedy the complaint. An officer or official may issue a citation without first issuing a notice of violation.

(C) *Service.* Service of a written notice of violation shall be deemed effective on the date when written notice is hand delivered or on the date when written notice is mailed by first

class mail. Any notice served by first class mail shall be mailed to the last known address of the owner, the owner's authorized agent or the owner's statutory agent and to the address to which the tax bill for the property was last mailed. If the premises are unoccupied, service may be made by posting the notice in a conspicuous place on the property such as a front door, entrance gate, or wall. Service of a notice of violation to a commercial hauler in violation of the Litter Fee shall be mailed to the commercial hauler's business address.

(D) Proceedings. Any civil infraction proceedings to enforce the provisions of this chapter shall be commenced, and summons shall be issued in accordance with the procedures set forth in Arizona Revised Statutes, city ordinance or as provided in the Local Rules of Practice and Procedure-City Court-City of Tucson. If the city is unable to personally serve the complaint, the complaint may be served in the same manner prescribed for alternative methods of service by the Arizona Rules of Civil Procedure or by certified or registered mail, return receipt requested.

* * *

SECTION 3. Section 15-16.4 of the Tucson City Code is hereby amended to read as follows:

Sec. 15-16.4. Assisted collection service to residential establishments.

A resident who has a qualified disability, under the Americans with Disabilities Act, that prevents him/her using normal refuse or recycling collection services at a residential establishment may request assisted collection service. The requirements for assisted collection service shall be established in administrative rule. Assisted collection service is provided without additional fee.

* * *

Section 4. Sections 15-32.1, 15-32.2, 15-32.3, 15-32.4, 15-32.5 and 15-32.6 of the Tucson City Code are hereby amended to read as follows:

Sec. 15-32.1. Responsibility for residential fee.

(A) The fees specified in this chapter for services provided to residential establishments are imposed on the customer of record of each residential establishment, as indicated in the department's records. The customer of record is responsible for paying all charges for the provision of services to a residential establishment, regardless of whether the customer of record or another person has actually used the services. Where the establishment receives city water service, the customer of record for services from this chapter shall be the same person as the customer of record for city water services, unless the director accepts an alternate person designated by the owner.

* * *

Sec. 15-32.2. Requirements for payment of residential fees.

(A) *Initiation.* Initiation of billing for services to a residential establishment shall coincide with initiation of billing for city water service when both are provided. Where new collection service is provided to an establishment, the charges for the new service shall begin when the containers are delivered. The director, as a condition precedent to providing collection services to any customer, shall collect any amounts the customer owes the city for charges required by this chapter or chapter 27.

* * *

Sec. 15-32.3. Fees for level of service.

The fees to be charged for standard residential collection services are listed in the table in section 15-32.5. The director is authorized to charge additional fees as listed in the table in section 15-32.5, or elsewhere in this chapter, to residential establishments that receive additional or different service.

Sec. 15-32.4. Environmental services low income assistance program.

(A) Residential customers with an income at or below one hundred percent (100%) of the US Department of Labor western region lower living standard, adjusted for family size, shall be eligible for the environmental services low income assistance credit from the city general fund if they meet the requirements herein.

(B) Customers must reside in a residential establishment that receives APC collection service and must directly pay the environmental services fee on their city utility bill. Each customer may receive the credit for only one residential establishment.

(C) Customers must apply for the discount in writing on the application forms approved by the director. Applications must include written proof of income in the form determined by the director. Applications must be complete and must have the customer's original signature. The director may contact the customer to verify or obtain additional information needed to process the application.

(D) Eligibility will be determined on an annual basis with the credit expiring at the end of each twelve-month period. At least thirty (30) days prior to the expiration of a customer's credit, the director will notify the customer in writing of the need to submit a new application to continue the credit.

(E) Once eligibility is verified, the credit shall be applied against each monthly bill with the environmental services fee. A prorated credit shall be applied whenever the customer is eligible for only part of a month or receives service for only part of a month.

* * *

Sec. 15-32.5. Residential fee schedules.

The fees for collection services to residential establishments shall be as follows:

RESIDENTIAL COLLECTION SERVICE FEES

Service	Refuse Container Size (gallons)	Fees
Standard	48	\$15.00 per month
Standard	65	\$16.00 per month
Standard	95	\$16.75 per month
Standard	Any shared alley APC	\$16.00 per month per dwelling unit
Standard	300 sole use	\$48.00 per month per container
Individual fee for shared front load weekly refuse and recycling service	Any	\$16.00 per month per dwelling unit
Additional refuse	Less than 100	\$11.00 per month per additional container
Additional bag of refuse	Each 30 gallon bag (or equivalent) of refuse placed outside of container	\$5.00 each
Additional service per week	Any	\$25.00 per pickup per container
Additional brush bulky service volume	Above 10 cu. yds.	\$5.00 per cubic yd.
Additional brush bulky service time	Above 15 minutes	\$25.00 per each 15 minute interval
Special brush bulky service	Up to 10 cu. yds.	\$55.00 per event plus any applicable additional service fees
Private driveway	Any	\$10.00 per month in addition to other applicable fees
Low income assistance credit	Any	\$12.00 per month
APC Container Delivery Fee	Any	\$20.00 per delivery event

* * *

Sec. 15-32.6. APC collection fuel surcharge.

A fuel surcharge shall be added to the monthly fees for collection services to residential or commercial establishments with APC services. The surcharge shall be \$0.37 per month for each \$0.10 of city fuel price above \$3.39 per gallon.

SECTION 5. Section 15-33.2 of the Tucson City Code is hereby amended to read as follows:

Sec. 15-33.2. Commercial fee schedules.

(A) *Front load collection service fees.* The monthly fees for front load collection service (without compaction) are as follows:

FRONT LOAD COLLECTION SERVICE MONTHLY FEES

Container size	Collections per week					
	1	2	3	4	5	6
Refuse						
2 to 3 cu. yds.	\$85.00	\$142.00	\$199.00	\$256.00	\$313.00	\$370.00
4 cu. yds.	\$90.00	\$151.00	\$213.00	\$274.00	\$336.00	\$398.00
6 cu. yds.	\$99.00	\$170.00	\$240.00	\$311.00	\$382.00	\$452.00
8 cu. yds.	\$108.00	\$188.00	\$268.00	\$348.00	\$427.00	\$508.00
Recycling	\$50.00	\$75.00	\$100.00			

Container delivery: \$50.00 for any number per request

Additional recycling container onsite any size \$15.00

Additional service per week: \$30.00 per pickup per 2 to 4 cu. yd. container, \$35.00 per 6 cu. yd, \$40.00 per 8 cu. yd.

Additional recycle service per week: \$30.00 per pickup all sizes

Container cleaning at customer request: \$100.00 per event per container

Container painting at customer request: \$150.00 per event per container

(B) *Compacted front load collection service fees.* The monthly fees for front load collection service with compaction in containers shall be as follows:

COMPACTED FRONT LOAD COLLECTION SERVICE MONTHLY FEES

Container size	Collections per week					
	1	2	3	4	5	6
Refuse						
2 to 3 cu. yds.	\$126.00	\$225.00	323.00	421.00	519.00	618.00
4 cu. yds.	\$145.00	261.00	378.00	495.00	611.00	728.00
6 cu. yds.	\$182.00	335.00	488.00	641.00	795.00	948.00
8 cu. yds.	218.00	408.00	598.00	788.00	978.00	1168.00

Additional fee for leasing city compactor: \$300.00 per month per compactor

Container delivery: \$50.00 for any number per request

Additional service per week: \$45.00 per pickup per container

Container cleaning at customer request: \$100.00 per event per container

Container painting at customer request: \$150.00 per event per container

(C) *Roll off collection service.* The fees for roll off collection service are as follows:

ROLL OFF COLLECTION SERVICE FEES

Refuse open top service 20, 30, 40 cu. yds.	\$165.00 per pull plus landfill disposal fees plus landfill processing surcharge
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Recycle open top service 20, 30, 40 cu. yds.	\$130.00 per pull
Roll off compactor service 20, 30, 40 cu. yds.	\$165.00 per pull plus landfill disposal fees plus landfill processing surcharge. Installation, removal, and monthly lease fees also apply for city compactors.
Landfill disposal fees	Weight of contents times current solid waste disposal fee
Landfill processing surcharge	\$10.00 per landfill transaction
Initial delivery	\$80.00 per container
Relocation	\$80.00 per container
Failed service attempt	\$80.00 per event per container
Container cleaning at customer request	\$150.00 per event per container
Container painting at customer request	\$200.00 per event per container
Lease of city compactor and receiver box	\$310.00 per month per compactor plus box
Lease of city compactor receiver box only	\$100.00 per month per box
Base compactor installation	\$950.00 per compactor
Base compactor removal	\$500.00 per compactor

* * *

(D) *Commercial APC collection service fees.* The fees for APC collection service to commercial establishments are as follows:

COMMERCIAL APC COLLECTION SERVICE FEES

Service	Container size (gallons)	Fees
Standard	48	\$18.50 per month per container
Standard	65	\$19.25 per month per container
Standard	95	\$20.00 per month per container
Standard	300	\$60.00 per month per container
Additional service per week	Any	\$25.00 per pickup per container
Additional recycle beyond second container	100 or less	\$10.00 per month per container
Container delivery	Any	\$20.00 for any number per request

* * *

(E) *Fees for commercial special services.* The fees for special services to commercial establishments are as follows:

COMMERCIAL SPECIAL SERVICE FEES

Service	Container size	Fees
Temporary APC refuse	48, 65 or 95 gallons	\$50.00 per service per container
Temporary APC refuse	300 gallons	\$75.00 per service per container
Temporary front load refuse	2--8 cu. yds.	\$100.00 per container for delivery/removal plus \$30.00 per pickup per 2 to 4 cu. yd. container, \$35.00 per 6 cu yd., \$40.00 per 8 cu. yd.
Temporary APC recycle	95 gallons	\$20.00 per delivery truck load for delivery/removal plus \$10.00 per pickup
Temporary use of small recycling containers for customers with city refuse	Less than 95 gallons	\$20.00 per delivery truck load for delivery/removal
Temporary front load recycle	2--8 cu. yds.	\$100.00 per container for delivery/removal and one pickup, plus \$30.00 per additional pickup.
Delinquent retrieval fee	2--8 cu. yds.	\$50.00 per container
Bulky material service		Same fees as charged for special brush bulky service to residential establishments.

SECTION 6. Section 15-33.3 of the Tucson City Code is hereby amended to read as follows:

Sec. 15-33.3. Commercial fuel surcharge.

A fuel surcharge shall be added to the fees for front load, compacted front load, and roll off collection services. The surcharge rate shall be based on the city fuel price above three dollars and twenty cents (\$3.20) per gallon, according to the table below. The applicable surcharge rate shall be multiplied by the applicable fee and the resulting amount added to that fee.

* * *

SECTION 7. Section 15-34.3(C) of the Tucson City Code is hereby amended to read as follows:

Sec. 15-34.3. Commercial haulers.

* * *

(C) Each commercial hauler shall pay any charge for disposal services at the time and as a condition of receiving the disposal services for which the charge is imposed. Only payments in the form of cash, check or other immediate payment form approved by the director will be accepted subject to reasonable identification requirements, unless the hauler has a valid landfill charge account in good standing. A commercial hauler may purchase a vehicle identification tag for use at the scale.

SECTION 8. Sections 15-34.6, 15-34.7, 15-34.8, and 15-34.9 of the Tucson City Code are hereby amended to read as follows:

Sec. 15-34.6. Credit system.

Customers who wish to pay for disposal services pursuant to a credit system shall execute and comply with a written credit agreement prepared by the city and pay an annual credit fee. The director is authorized to prepare, enter into, implement and administer landfill credit agreements. The landfill credit agreement shall specify the terms and conditions upon which landfill use shall be provided and for payment of fees, and may contain such additional provisions as are necessary to ensure collection of funds due the city, are within the custom and practice of the industry, or are deemed necessary by the director in any particular case(s). The rates charged under any landfill credit agreement shall be consistent with these requirements and schedules.

Sec. 15-34.7. Disposal services fee schedule.

DISPOSAL SERVICES FEES	
Service	Fees
Residential self-hauler waste disposal	\$10.00 per load for loads 2,000 pounds or less. Commercial waste disposal fees for loads over 2,000 pounds.
Residential self-hauler tire disposal	\$2.00 per tire (passenger tires only) in addition to other applicable fees
Commercial waste disposal	\$32.00 per ton with \$15.00 minimum per load
Special-handling waste disposal	\$75.00 per ton with \$75.00 minimum
Tire disposal	\$150.00 per ton with \$15.00 minimum, no mixed loads, no off-road tires
Disposal of appliance designed to use refrigerant	\$5.00 per appliance in addition to other applicable fees
Uncovered load	\$5.00 per load in addition to other applicable fees
Credit Account Annual Fee	\$30.00
Identification Tag Fee	\$35.00

Sec. 15-34.8. Disposal services contract fee schedule.

The director shall be authorized to enter into one-year contracts for guaranteed waste disposal by customers. These contracts shall be for a specific quantity of waste at a fee specified in the contract disposal services fee schedule. The fee shall be calculated in accordance with Sec 15.34.3. The customer is required to pay the full amount due to the city at the specified fee, whether or not the waste is delivered. The contract may be renewed annually if the specified fee is not changed. The agreements may contain such additional provisions as are necessary to ensure collection of funds due the city, are within the custom and practice of the industry, or are deemed necessary by the director.

Where a disposal services contract is in place, the commercial waste disposal fee shall not apply.

CONTRACT DISPOSAL FEE SCHEDULE

Guaranteed Tonnage	Rate Per Ton
60,000	\$21.00
18,000	\$24.00
8,000	\$27.50
2,000	\$30.00
1,000	\$31.00

Sec. 15-35.9. Disposal services fuel surcharge.

A fuel surcharge shall be added to the per-ton fees for disposal services. The surcharge shall be \$0.63 per ton for each \$0.10 of city fuel price above \$3.39 per gallon.

* * *

SECTION 9. Section 15-36 of the Tucson City Code is hereby added to read as follows:

**DIVISION 5.
Groundwater Protection Fee**

Sec. 15-36 Groundwater Protection

(A) The Director shall charge a groundwater protection fee to customers of the city potable water, excluding those customers not connected to the central system.

(B) The fee shall be shown as a separate charge on the utility bill. The fee shall be charged for each connected meter, and shall be based upon the meter equivalency factors as determined by the Superintendent of Water or his successor.

(C) The fee shall be collected to administer, design, construct, operate and maintain groundwater remediation and landfill monitoring/compliance systems for the Department.

The Groundwater Protection fee shall be assigned as follows.

GROUNDWATER PROTECTION FEE

Meter Size (inches)	Fee per Month per Meter
5/8	\$0.72
3/4	\$1.09
1	\$1.09
1-1/2	\$3.62
2 and larger	\$5.00

SECTION 10. Section 15, Article VI of the Tucson City Code is hereby repealed and removed.

**ARTICLE VI.
DISPOSAL FACILITY MANAGEMENT – RESERVED**

SECTION 11. Section 15, Article VIII, Sections 15-70 and 15-71 of the Tucson City Code are hereby added as follows:

**ARTICLE VIII.
LITTER FEE**

Sec. 15-70. Refuse collection permit.

The City Manager or his designee shall administer and enforce a permit program for all commercial haulers. Proceeds from the permits shall be used to administer, enforce and collect litter in the city. Permits for collection of refuse from business or residential establishments within the city shall be issued by the city under the following conditions:

(A) The commercial hauler must submit an application, on a form provided by the city, to the city. This permit shall include the requirement of an annual per-vehicle license fee of one thousand dollars (\$1,000.00) per vehicle used in the collection of refuse within the city of Tucson. Any commercial hauler with a current, valid permit found to be collecting refuse within the city of Tucson with a nonlicensed vehicle shall forfeit the cash permit surety and the commercial hauler's permit shall be suspended until such time as the permit surety is fully reimbursed and fees for each nonpermitted vehicle are received by the city.

(B) The commercial hauler's permit application, as provided by the city, shall include the name, business addresses and telephone numbers of all owners, partners, general managers and principal officer, as well as emergency telephone numbers, business references and such other information as deemed necessary.

(C) Permits issued pursuant to this section shall be nontransferable. The permits including the requirement to license each vehicle shall be issued for one (1) year commencing July 1 and ending June 30. Applications for renewal shall be made at least forty-five (45) days prior to expiration of current permit. Applicable fees may be prorated monthly on permits issued during the fiscal year.

(D) Each licensed vehicle operating within the city of Tucson shall display a decal, provided by the city, affixed permanently and clearly visible on the driver's side of the vehicle.

(E) Commercial haulers, except from units of local government or tribal entities, must obtain, keep in force and maintain public liability and property damage insurance in the sum of one million dollars (\$1,000,000.00) for personal injury or death to any one (1) person, one million dollars (\$1,000,000.00) for personal injuries or death sustained by all persons in any one (1) accident and five hundred thousand dollars (\$500,000.00) for property damage arising from any single occurrence, arising from any error, omission or act, negligent or intentional, by the commercial hauler or its employees or agents in collection, hauling and/or disposal activities within the city. The city shall be named a co-insured. A certificate of insurance shall be furnished to the city at the time of permit application, and at any time during a permit year when requested by the city. The form and coverage shall be subject to city approval.

Sec. 15-71. Suspension or revocation of permits

(A) In addition to the sanctions provided, the city may suspend or revoke any permit authorized or required by this chapter, or suspend or revoke any collection, recycling or disposal services provided by a commercial hauler, whenever it is found that the holder of such permit, or user of such collection services, commits a serious or repeated violation of the laws of the state, the county, this chapter, or any rules and regulations promulgated hereunder, or fails to fully reimburse the city its costs associated with the remedying of any violation of any applicable health codes and ordinances of the city, county, state, and federal government.

(B) A commercial hauler whose permit is revoked may not re-apply for a permit under this chapter for thirty-six (36) months after the effective date of the revocation.

SECTION 12. Chapter 15, as amended by this ordinance, controls the City's Solid Waste Management activities, and supersedes any previous resolutions.

SECTION 13. If any provision of this ordinance or the application thereof to any person or circumstance is invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 14. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 15. Sections 1 through 11 of this ordinance shall be effective July 1, 2010.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, _____.

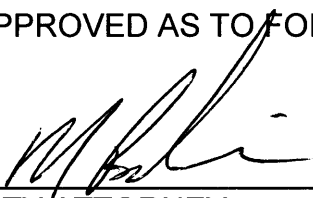
ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

REVIEWED BY:



CITY ATTORNEY

CITY MANAGER

BA/tl
5/18/10